

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL ACTION  
VS. :  
LEON HENRY : NO. 06-33-02

## ORDER

AND NOW, this 21<sup>st</sup> day of November, 2012, upon consideration of Defendant's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 804, filed January 30, 2012) and the related filings of the parties,<sup>1</sup> Defendant's *pro se* Motion for Summary Judgment (Document No. 818, filed July 12, 2012) and the related filings of the parties,<sup>2</sup> Defendant's *pro se* Motion for a More Definite Statement with Respect to the Government's Cross Complaint for Summary Judgment (Document No. 823, filed August 31, 2012), and Defendant's *pro se* Motion Seeking Permission to Proceed In Forma Pauperis (Document No. 821, filed August 23, 2012) for the reasons set forth in the Memorandum dated November 21, 2012, **IT IS ORDERED** as follows:

1. Defendant's pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DENIED**;
2. Defendant's Motion for Summary Judgment, the government's Cross Complaint for Summary Judgment, and Defendant's Motion for a More Definite Statement with Respect to the Government's Cross Complaint for Summary Judgment are all **DENIED AS MOOT**;

<sup>1</sup> The related filings of the parties considered by the Court are: Defendant's pro se Memorandum of Law in Support of Motion to Vacate or Correct Sentence Pursuant to 18 U.S.C. §2255 (Document No. 804-1, filed January 30, 2012), the Government's Response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence, Pursuant to 28 U.S.C. § 2255 (Document No. 814, filed May 7, 2012), and Defendant's pro se Reply to the Government's Response to Henry's Motion to Vacate Pursuant to §2255 (Document No. 817, filed July 12, 2012).

<sup>2</sup> The related filings of the parties considered by the Court are: the Government’s Response to Movant’s Pro Se Motion for Summary Judgment and Government’s Cross Complaint for Summary Judgment (Document No. 820, filed August 15, 2012), and Defendant’s pro se Response to Government’s Cross-Motion for Summary Judgment to Henry’s §2255 Ground Two (Document No. 822, filed August 31, 2012).

3. Defendant's Motion Seeking Permission to Proceed In Forma Pauperis is **DENIED** on the ground that it is unnecessary with respect to a motion under 28 U.S.C. §2255; and
4. The Clerk of Court shall **MARK** the case **CLOSED**.
5. A certificate of appealability will not issue for any of defendant's claims because reasonable jurists would not debate whether the motion states a valid claim of the denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2), see Slack v. McDaniel, 529 U.S. 473, 484 (2000);

BY THE COURT:

/s/ Hon. Jan E. Dubois  
JAN E. DUBOIS, J.